

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**CHRISTOPHER DON PENNINGTON  
ADC #149290**

**PLAINTIFF**

**v.**

**No. 1:19-cv-49-DPM**

**LOMAN JOHNSON, Captain, Food Prep  
Supervisor, ADC Grimes Unit; and  
LARRY BAILEY, Maintenance  
Coordinator, Grimes Unit**

**DEFENDANTS**

**ORDER**

On *de novo* review, the Court declines the recommendation, *No. 11*, and sustains Pennington's objections, *No. 12*. FED. R. CIV. P. 72(b)(3). The recommendation is correct: Pennington's second amended complaint didn't include enough facts to state a claim against Johnson or Bailey. But in his objections, Pennington says that although other inmates and several ADC employees told Johnson and Bailey about the hazardous power outlet in the months leading up to Pennington's injury, both defendants failed to act on that information. Read together, the second amended complaint and objections state a plausible deliberate indifference claim against Johnson and Bailey. The Court therefore returns this case to the Magistrate Judge for service on that claim.

A warning: In the future, Pennington must include all the facts and arguments he wants to put forward in his initial filing, rather than waiting to raise them in an objection.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*18 October 2019*